



SYNOPSIS

Senate Bills and Joint Resolutions
2013 Maryland General Assembly Session

January 28, 2013
Schedule 14

PLEASE NOTE: February 1 – Bill introduction deadline.

All bills should be given to the Secretary of the Senate's office by 5:00 P.M. on Monday, February 4.

As required by Senate Rule 32(b), bills introduced after this date will be referred to the Senate Rules Committee.

SB 418 through SB 427 will appear on a future synopsis.

SENATE BILLS INTRODUCED January 28, 2013

SB 386 Senator Middleton

DEPARTMENT OF HEALTH AND MENTAL HYGIENE – STUDY OF PARATRANSIT SERVICES FOR DIALYSIS PATIENTS

Requiring the Department of Health and Mental Hygiene to conduct a specified study of paratransit services provided for dialysis patients in the State; requiring the study to make specified determinations and evaluate scheduling of specified dialysis treatments; and requiring the Department to report the findings and any recommendations based on the study to the Governor and specified committees of the General Assembly on or before December 15, 2013.

EFFECTIVE JULY 1, 2013

Assigned to: Finance

Department of Legislative Services

90 State Circle, Annapolis, Maryland 21401-1991

Baltimore Area: 410-946-5400 — Washington Area: 301-970-5400

Other Maryland Areas: 1-800-492-7122 — Maryland Relay Service: 1-800-735-2258

SB 387 Senator Kelley, et al**CRIMES – IDENTIFICATION THEFT – VULNERABLE CHILDREN**

Prohibiting a person, with fraudulent intent, from knowingly and willfully possessing, obtaining, or helping another to possess or obtain personal identifying information of a specified vulnerable child in order to use, sell, or transfer the information to get a benefit, credit, good, service, or other thing of value in the name of the child; prohibiting a person, with fraudulent intent, from knowingly and willfully assuming the identity of a vulnerable child to avoid identification, apprehension, or prosecution for a crime; etc.

EFFECTIVE OCTOBER 1, 2013

CR, § 8-306 - added

Assigned to: Judicial Proceedings

SB 388 Senator Kelley, et al**VICTIMS OF CRIME – IDENTITY THEFT PASSPORT – CHILDREN**

Requiring the Department of Human Resources to assist a child who has been identified as a victim of identity fraud to apply for an identity theft passport under specified circumstances; and requiring the Department of Juvenile Services to assist a child who has been identified as a victim of identity fraud to apply for an identity theft passport under specified circumstances.

EFFECTIVE OCTOBER 1, 2013

CR, § 8-305 - amended

Assigned to: Judicial Proceedings

SB 389 Senator Raskin, et al**VEHICLE LAWS – SPEED MONITORING SYSTEMS – ENFORCEMENT**

Authorizing specified persons to sign a statement that alleges, based on inspection of recorded images from a speed monitoring system, that a motor vehicle was being operated in violation of highway speed laws; authorizing specified persons to swear to and affirm for evidentiary purposes, based on inspection of recorded images from a speed monitoring system, that a motor vehicle was being operated in violation of highway speed laws; etc.

EFFECTIVE OCTOBER 1, 2013

TR, §§ 21-809(d)(1), (e)(1), and (j) and 21-810(d)(1), (e)(1), and (j) - amended

Assigned to: Judicial Proceedings

SB 390 Senator Raskin**HEALTH – FOOD ALLERGY AWARENESS**

Requiring a food establishment, beginning March 1, 2014, to display a specified poster relating to food allergies in a specified manner and include a notice to customers on menus provided by the food establishment; requiring specified individuals to view a specified video and be knowledgeable about issues concerning food allergies and food preparation; requiring the Department, in consultation with specified entities, to develop a specified program for food establishments to be designated as food allergy friendly; etc
EFFECTIVE OCTOBER 1, 2013

HG, § 21-330.2 and SG, § 13-601 - added

Assigned to: Finance

SB 391 Senator Pipkin, et al**SUSTAINABLE GROWTH AND AGRICULTURAL PRESERVATION
ACT OF 2012 – REPEAL**

Repealing the Sustainable Growth and Agricultural Preservation Act of 2012; repealing specified provisions of law relating to the adoption of specified growth tier designations by specified local jurisdictions; repealing a prohibition against the sale or development of specified land unless specified documentation is provided to the Department of the Environment; repealing the requirement that under specified circumstances a local jurisdiction alter the contents of a specified plan; etc.

EFFECTIVE OCTOBER 1, 2013

EN, § 9-206 and LU, §§ 1-401 and 5-105 - amended and EN, LU, and Chapter 149 of the Acts of 2012, Various Sections - repealed

Assigned to: Education, Health, and Environmental Affairs

SB 392 Cecil County Senators**CECIL COUNTY – ALCOHOLIC BEVERAGES – REFILLABLE CONTAINERS**

Creating in Cecil County a refillable container license; authorizing the Board of License Commissioners to issue the license to a holder of a Class A or Class B alcoholic beverages license; specifying that a holder of the license may sell draft beer for consumption off the licensed premises in a specified refillable container; requiring a refillable container to meet specified requirements; requiring an applicant for a license to complete a form and pay a fee; etc.

EFFECTIVE JULY 1, 2013

Art. 2B, § 7-101(l)(8) - added

Assigned to: Education, Health, and Environmental Affairs

SB 393 Senator Edwards**CREATION OF A STATE DEBT – ALLEGANY COUNTY – ALLEGANY COUNTY ANIMAL SHELTER ADOPTION AND CARE CENTER**

Authorizing the creation of a State Debt not to exceed \$250,000, the proceeds to be used as a grant to the Board of Directors of the Allegany County Animal Shelter Management Foundation, Inc. for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Allegany County Animal Shelter Animal Adoption and Care Center, located in Cumberland; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; etc.

EFFECTIVE JUNE 1, 2013

Assigned to: Budget and Taxation

SB 394 Senator Zirkin**POSSESSION OF MARIJUANA – MAXIMUM PENALTIES**

Making the possession of marijuana a civil offense punishable by a fine not exceeding \$100; etc.

EFFECTIVE OCTOBER 1, 2013

CR, § 5-601 - amended

Assigned to: Judicial Proceedings

SB 395 Senator Zirkin**JUVENILE SERVICES – STATE–LICENSED FACILITIES – SIZE LIMIT EXCEPTION – REPEAL**

Altering an exception that allows a committed facility licensed by the Department of Juvenile Services to serve more than 48 children at one time under specified circumstances if the Secretary of Juvenile Services finds good cause.

EFFECTIVE OCTOBER 1, 2013

HU, § 9-238.1(a) - amended

Assigned to: Education, Health, and Environmental Affairs

SB 396 Senator Zirkin**REAL PROPERTY – USE OF COERCION, THREAT, OR INTIMIDATION – CONTRACTS VOID**

Prohibiting a person from coercing, threatening, or intimidating a property owner in a specified manner to induce the property owner to enter into a contract to sell property or grant an easement on a property; establishing that a contract entered into in violation of the Act is void; establishing that, if a person violates the Act, specified contracts entered into for the same project are also void; authorizing a property owner to bring a specified action in the circuit court for the county in which the property is located; etc.

EFFECTIVE OCTOBER 1, 2013

RP, § 10-711 - added

Assigned to: Judicial Proceedings

SB 397 Senator Zirkin**CONDEMNATION PROCEEDINGS – COMPENSATION AND PAYMENT OF FEES**

Establishing that the award of damages when land, or any part of it, is taken in a specified condemnation proceeding by specified entities is three times the fair market value of the part taken; authorizing that the fair market value of property in condemnation proceedings by specified entities be determined in a specified manner; requiring the condemnation authority to pay all costs of a specified appraisal; etc.

EFFECTIVE OCTOBER 1, 2013

RP, §§ 12-104, 12-105, and 12-106 - amended

Assigned to: Judicial Proceedings

SB 398 Senator Zirkin**COURTS AND JUDICIAL PROCEEDINGS – JURISDICTION OVER EMINENT DOMAIN CASES – CIRCUIT COURT**

Establishing that a circuit court has exclusive, original jurisdiction over all proceedings for the acquisition of private property for public use by condemnation; and providing that specified provisions of the Act establishing jurisdiction apply to property acquired for public use by a private company by the exercise of specified authority granted under federal law.

EFFECTIVE OCTOBER 1, 2013

RP, § 12-101.1 - added

Assigned to: Judicial Proceedings

SB 399 Senator Astle**MOTOR VEHICLE ADMINISTRATION – SELECTIVE SERVICE REGISTRATION – DRIVER’S LICENSE AND IDENTIFICATION CARD APPLICANTS**

Expanding the applicability of specified provisions of law relating to the Motor Vehicle Administration’s collection and forwarding of Selective Service registration information to women and specified minors; altering the conditions under which specified information about an applicant is forwarded to the Selective Service System; repealing specified provisions relating to federal funds for the collection and electronic forwarding of Selective Service registration information; etc.

EFFECTIVE OCTOBER 1, 2013

TR, § 12-304 - amended and Chapter 309 of the Acts of 2002, §§ 2 and 3 - repealed

Assigned to: Judicial Proceedings

SB 400 Senator Glassman**ENVIRONMENTAL HEALTH SPECIALISTS – LICENSURE EXAMINATIONS – APPLICANT QUALIFICATIONS AND WAIVER**

Altering a specified educational qualification that an applicant for licensure as an environmental health specialist may meet to qualify to be examined under a specified provision of law; altering the circumstances under which the State Board of Environmental Health Specialists may waive licensure examination requirements; and altering the qualifications that an applicant must meet to qualify for a waiver of examination requirements under a specified provision of law.

EFFECTIVE OCTOBER 1, 2013

HO, §§ 21-304(b) and 21-306 - amended

Assigned to: Education, Health, and Environmental Affairs

SB 401 Senator Dyson**PHARMACISTS – ADMINISTRATION OF VACCINATIONS – EXPANDED AUTHORITY AND REPORTING REQUIREMENTS**

Altering the authority of pharmacists to administer vaccinations; authorizing a pharmacist to administer vaccinations to an individual in a specified age group who has a prescription or to an adult under a written protocol that meets specified requirements; altering a vaccination reporting requirement; requiring a pharmacist to inform specified health care practitioners that a vaccination has been administered; etc.

VARIOUS EFFECTIVE DATES

HO, § 12-508 - amended

Assigned to: Education, Health, and Environmental Affairs

SB 402 Senator Frosh, et al**CREATION OF A STATE DEBT – MONTGOMERY COUNTY – WASSERMAN RESIDENCE PHASE 2 RENOVATIONS**

Authorizing the creation of a State Debt not to exceed \$500,000, the proceeds to be used as a grant to the Board of Governors of Charles E. Smith Life Communities, Inc. for the construction, repair, renovation, and reconstruction of the Wasserman Residence, located in Rockville; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; etc.

EFFECTIVE JUNE 1, 2013

Assigned to: Budget and Taxation

SB 403 Senator Stone**COURTS – VIOLATION OF PROBATION – APPEAL ON THE RECORD**

Providing that an appeal shall be heard on the record made in the District Court in any case in which the District Court determines that a criminal defendant violated probation.

EFFECTIVE OCTOBER 1, 2013

CJ, § 12-401(f) - amended

Assigned to: Judicial Proceedings

SB 404 Senator Middleton, et al**INCOME TAX – SUBTRACTION MODIFICATION – ENHANCED AGRICULTURAL MANAGEMENT EQUIPMENT**

Providing a subtraction modification under the Maryland individual and corporate income tax for specified expenses incurred to buy and install enhanced agricultural management equipment under specified circumstances; defining “enhanced agricultural management equipment”; applying the Act to tax years after 2012; etc.

EFFECTIVE JULY 1, 2013

TG, §§ 10-208(d) and 10-308(b) - amended and § 10-208(m) - repealed

Assigned to: Budget and Taxation

SB 405 Senator Middleton, et al**LABOR AND EMPLOYMENT – PAYMENT OF OVERTIME WAGES**

Limiting the applicability of an overtime wage provision of law to exclude, under specified circumstances, a specified employer that is subject to Title II of the federal Railway Labor Act.

EFFECTIVE OCTOBER 1, 2013

LE, § 3-415 - amended

Assigned to: Finance

SB 406 Senator Brochin, et al**INCOME TAX – RATES AND EXEMPTIONS**

Altering the State income tax rate on specified income of individuals; altering the amount specified individuals are allowed as a deduction for specified exemptions under the Maryland income tax; applying the Act to taxable years beginning after December 31, 2012; etc.

EFFECTIVE JULY 1, 2013

TG, §§ 10-105(a) and 10-211 - amended

Assigned to: Budget and Taxation

SB 407 Senator Brochin**REAL PROPERTY – RIGHT TO REDEMPTION OF LEASED PREMISES
– FORMS OF PAYMENT**

Authorizing a landlord or mobile home park owner to require a tenant or mobile home park resident to tender specified forms of payment in order to exercise the tenant's or resident's right to redemption of leased premises under specified circumstances; and prohibiting a landlord or mobile home park owner from prohibiting cash payment if specified notice requirements are not met.

EFFECTIVE OCTOBER 1, 2013

RP, §§ 8-401(e) and 8A-1701(e) and PLL of Baltimore City, Art. 4, § 9-5(b)(1) - amended

Assigned to: Judicial Proceedings

SB 408 Senator Shank, et al**WASHINGTON COUNTY – SPECIAL DEPUTY SHERIFFS –
INSURANCE COVERAGE**

Establishing that county liability insurance shall be provided to a special deputy sheriff in Washington County only when the special deputy sheriff is performing specified duties; establishing that designation as a special deputy sheriff does not authorize the special deputy sheriff to perform law enforcement duties outside the special deputy sheriff's jurisdiction except under specified circumstances; etc.

EFFECTIVE OCTOBER 1, 2013

CJ, § 2-309(w)(4)(ii) - amended and § 2-309(w)(4)(iii) and (iv) - added

Assigned to: Judicial Proceedings

SB 409 Senator Raskin**COURTS AND JUDICIAL PROCEEDINGS – MARYLAND MEDIATION
CONFIDENTIALITY ACT – APPLICABILITY**

Altering the scope of the Maryland Mediation Confidentiality Act.

EFFECTIVE OCTOBER 1, 2013

CJ, § 3-1802 - amended

Assigned to: Judicial Proceedings

SB 410 Senator Raskin, et al**COMMUNITY COLLEGES – CADE FUNDING FORMULA – GRANTS FOR ENGLISH FOR SPEAKERS OF OTHER LANGUAGES PROGRAMS**

Removing the limit on the total amount of grants that may be distributed to community colleges to provide instruction and services to specified students enrolled in English for Speakers of Other Languages programs.

This bill requires a mandated appropriation in the annual budget bill.

EFFECTIVE JUNE 1, 2013

ED, § 16-305(e) - amended

Assigned to: Budget and Taxation

SB 411 Senator Garagiola, et al**CORPORATE INCOME TAX – RATE REDUCTION**

Altering the State income tax rate on the Maryland taxable income of corporations over a specified period of years.

EFFECTIVE JULY 1, 2013

TG, § 10-105(b) - amended

Assigned to: Budget and Taxation

SB 412 Senator King, et al**AGRICULTURE – LAWN CARE PESTICIDES – CHILD CARE AND SCHOOL FACILITIES – PROHIBITION**

Prohibiting, with a specified exception, a person from applying a lawn care pesticide on the grounds of specified child care facilities and schools; authorizing a person to apply a lawn care pesticide on the grounds of specified child care facilities and schools if the Secretary of Agriculture determines that the emergency application is necessary to eliminate an immediate threat to human health; requiring a specified notice of an emergency application; etc.

EFFECTIVE OCTOBER 1, 2013

AG, § 5-208.2 - added

Assigned to: Education, Health, and Environmental Affairs

SB 413 Senator King, et al**CRIMINAL HISTORY RECORDS CHECKS – INFORMAL CHILD CARE PROVIDERS**

Altering provisions of law relating to individuals required to obtain a criminal history records check; requiring an adult known to be residing in an informal child care provider's home to obtain a criminal history records check; requiring specified informal child care providers to obtain a criminal history records check; etc.

EFFECTIVE JANUARY 1, 2014

FL, §§ 5-561(c), 5-562(a), and 5-564(b) - amended

Assigned to: Judicial Proceedings

SB 414 Senator King, et al**HIGHER EDUCATION – TUITION WAIVER – FOSTER CARE RECIPIENTS**

Altering the definition of “foster care recipient” to include individuals who are placed into guardianship or who are adopted out of an out-of-home placement by a guardianship family, as specified; providing that specified foster care recipients are eligible for a specified tuition waiver if the recipient is enrolled in a vocational certificate program at a public institution of higher education in the State, subject to specified conditions; etc.

EFFECTIVE OCTOBER 1, 2013

ED, § 15-106.1 - amended

Assigned to: Education, Health, and Environmental Affairs

SB 415 Senator King, et al**CRIMINAL HISTORY RECORDS CHECKS – CHILD CARE PROVIDERS**

Requiring the Department of Public Safety and Correctional Services to transmit weekly a specified registry and a specified listing to the State Department of Education in a specified format; prohibiting a registered sex offender from entering onto specified real property on which a home is located where specified informal child care is provided or will be provided; altering specified provisions of law relating to individuals required to obtain a criminal history records check; etc.

EFFECTIVE JANUARY 1, 2014

CP, §§ 11-713 and 11-722 and FL, § 5-561(c) - amended and § 5-564.1 - added

Assigned to: Judicial Proceedings

SB 416 **Senator Forehand, et al****CRIMES – SOLICITATION TO COMMIT MURDER OR ARSON –
STATUTE OF LIMITATIONS**

Providing that the statute of limitations for the crime of solicitation to commit murder in the first degree, murder in the second degree, arson in the first degree, or arson in the second degree is the statute of limitations for the prosecution of the substantive crime that is the subject of the solicitation.

EFFECTIVE OCTOBER 1, 2013

CJ, § 5-106(dd) - added

Assigned to: Judicial Proceedings

SB 417 **Senator Forehand, et al****FAMILY LAW – DOMESTIC VIOLENCE – PERMANENT FINAL
PROTECTIVE ORDERS**

Requiring a court to issue a permanent final protective order against an individual who is sentenced to, instead of who served, a term of imprisonment of at least 5 years for specified crimes under specified circumstances; adding the crime of assault in the second degree to the list of crimes, the commission of which subjects an individual to the issuance of a permanent final protective order against the individual in specified circumstances; etc.

EFFECTIVE OCTOBER 1, 2013

FL, § 4-506(k) - amended

Assigned to: Judicial Proceedings